

Office of Zoning and
Application for Local Map Amendment
to the Zoning Ordinance
Montgomery County, Maryland
Administrative Hearings

Application No. H-117
 Filed 7/27/16

Wildwood Medical Center, LLC c/o Miller, Miller & Canby, 200-B Monroe Street, Rockville, MD 20850 (301) 762-6212

Name of Applicant or Contract Purchaser _____ Address _____ Tel. No. _____

hereby makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the reclassification of property located in the _____^{7th} Election District of Montgomery County and known as _____

Lot, Block and Subdivision if boundaries conform to lot boundaries a subdivision for which a plat is recorded among the land records, or a description by metes, bounds, courses and distances, and plat references.

SEE ATTACHED "SCHEDULE A" - METES AND BOUNDS DESCRIPTION OF SUBJECT PROPERTY

located at 10405 Old Georgetown Road, Bethesda, MD 20814
 City, town, village or community and street number, or if none, the location with respect to nearby public roads in common use.

consisting of 3.5 acres of land
 Area in square feet if less than 1 acre, or in acres if one or more

from the CRT-1.25 C-0.5 R-0.75 H-50 Zone to the CRTF-1.25 C-0.5 R-0.75 H-60 Zone
 Present classification Requested classification

or the _____ Zone. (Only one filing fee is collected per application. If an alternate zone is requested, the higher filing fee applies.)
 Alternative classification

Tax account number 07-03669303

Name and address of owner, if other than applicant _____

List all persons having at least a 5% interest in property, including those holding mortgages, liens, etc., and all contract purchasers, optional purchasers and persons holding mortgages, etc.

- (1) Alvin Aubinoe, (2) Scot Aubinoe, (3) Amanda Aubinoe,
 (4) Worthington H. Talcott, Jr. (Trustee for the Dorothy A. Shelton Trust)
 (5) Victoria Aubinoe

Listed below are the Application numbers and date of filing of, and action taken on all applications filed within 3 years prior to this date on any land lying anywhere within the same larger lot, parcel or tract of land in which the above-described land is located.

Application Number	Date	Action Taken
SDPA 12-01	January 22, 2013	Granted
Special Exception Case No. S-2830	November 21, 2012	Granted

EXHIBIT NO. _____
 APPLICATION NO. H-117

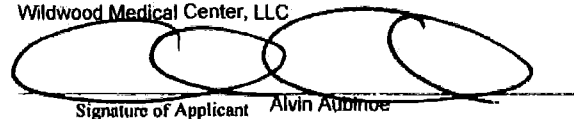
If previous Local Map Amendment applications were filed for the subject property, the following limitations are specified in Zoning Ordinance §59-7.2.1.G:

G. Subsequent Actions

1. Filing of subsequent Local Map Amendment applications are limited as follows:

- a. Filing a Local Map Amendment application is prohibited for land that was in whole or in part the subject of a previous zoning application decided on its merits within the last 18 months.
- b. Filing a Local Map Amendment application is prohibited for land that was in whole or in part the subject of a previous zoning application for the same zoning classification filed within the last 36 months and decided on its merits.
- c. The time limitations in Section 7.2.1.G.1.a and Section 7.2.1.G.1.b do not apply when the previous application, which would bar the filing of a new application, was filed by a governmental agency not at the owner's request.
- d. The District Council may waive the time limitations in Section 7.2.1.G.1.a if an applicant submits a petition that shows substantial new facts that would warrant reapplication.

Wildwood Medical Center, LLC


Signature of Applicant Alvin Atubrine

Subscribed and sworn before me this 1st day of June, 20 16.


Notary Public

Payment of appropriate filing fee must accompany this application. See Fee Schedule. Twenty-five percent of the specified fee must be paid directly to the Planning Department when this application is submitted for review of completeness. The remaining 75 per cent of the specified fee and all sign fees must be paid directly to OZAH when the application is filed with OZAH after it has been certified by the Planning Department. No part of such fee shall be refunded unless such refund and amount thereof as provided in Section 59-7.6.5, B of the Zoning Ordinance.

Applicant is required to post the property covered by this application within 5 days from acceptance of filing in accordance with Zoning Ordinance Section 7.5.2.C, with a sign to be furnished by the Office of Zoning and Administrative Hearings. An affidavit of posting, as required by the Zoning Ordinance, must be presented at the hearing on the application.

Under Zoning Ordinance §59-7.2.1.B.7, new public notice must be provided for any modification to an application requesting an increase in the area proposed to be reclassified or requesting a change to the zoning classification.

***Identification Plat** – Plat prepared by civil engineer, surveyor or other competent person, certified by him to be correct, showing by metes and bounds, courses and distances the land proposed to be reclassified, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the land records of the County, then a copy of such plat, the land proposed to be reclassified appearing in a color distinctive from that of other land shown on the plat

****Vicinity Map** – A map certified by the Maryland-National Capital Park and Planning Commission covering the area within 1000 feet of the boundaries of the land covered by this application showing the existing zoning classification of such land as it appears on the official zoning map in the office of the Department of Environmental Protection or the Maryland-National Capital Park and Planning Commission and all roads, streets, alleys, parks and other public or other governmental areas in public ownership or on public rights-of-way and those proposed on a plan adopted by the Maryland-National Capital Park and Planning Commission and all streams and railroad rights-of-way and the names thereof.

*****If the land proposed to be reclassified lies in whole or in part within an area covered by a sectional highway or zoning plan map adopted by the Commission, then a copy of such map shall be submitted.**

The scale of the identification plat and vicinity map shall be noted thereon and shall be not less than 200 feet to the inch if the land proposed to be reclassified is of an area of ten acres or less; and not less than 400 feet to the inch if of an area of more than ten acres. A north direction arrow shall appear on such plat and map.

**SCHEDULE A
DESCRIPTION OF
PART OF PARCEL C
WILDWOOD MANOR SHOPPING CENTER
PLAT No. 24091**

Being a parcel of land located in the Seventh (7th) Election District of Montgomery County, Maryland, hereinafter described in, through, over and across part of the property conveyed by Dorothy A. Shelton, et al to Wildwood Medical Center, L.L.C by Deed dated December 23, 2003 and recorded among the Land Records of Montgomery County, Maryland in Liber 25237 at Folio 1 and also being part of Parcel "C" as delineated on a Subdivision Record Plat entitled "**WILDWOOD MANOR SHOPPING CENTER**" as recorded among the aforesaid Land Records as Plat No. 24091 and being more particularly described by Macris, Hendricks, and Glascock, P.A. on May 25, 2016 in the Plat 17744 Datum as follows:

Beginning at a point, said point being on the westerly right-of-way limits of Berkshire Drive (60' R/W), said point also being the beginning of the South 06°06'30" East, 111.36 foot plat line of Parcel C as delineated on the aforementioned Plat No. 24091, then binding with the aforesaid westerly right-of-way limits and the platted limits of Parcel C the following three (3) courses and distances

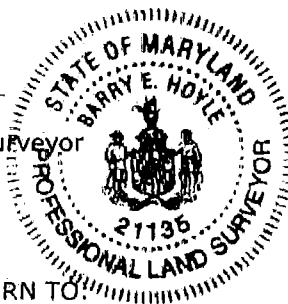
1. South 06°06'30" East, 111.36 feet to a point, then
2. 179.25 feet along the arc of a tangent curve deflecting to the left with a radius of 462.80 feet and a chord bearing and distance of South 17°12'15" East, 178.13 feet to a point, then
3. South 28°18'00" East, 17.17 feet to a point, then leaving said westerly right-of-way limits and continuing to bind with the platted limits of Parcel C the following three (3) courses and distances
4. South 61°42'00" West, 313.72 feet to a point, then
5. North 20°45'50" West, 133.22 feet to a point, then
6. South 72°07'25" West, 110.00 feet to a point, said point being on the easterly right-of-way limits of Old Georgetown Road (Maryland Route 187), then

- binding with said easterly right-of-way limits the following two (2) courses and distances
7. 295.92 feet along the arc of a non-tangent curve deflecting to the right with a radius of 1371.49 feet and a chord bearing and distance of North 11°41'16" West, 295.35 feet to a point, then
 8. North 05°29'36" West, 30.14 feet to a point, then leaving said easterly right-of-way limits and binding with the platted limits of the aforementioned Parcel C the following three (3) courses and distances
 9. North 83°53'30" East, 290.14 feet to a point, then
 10. South 03°44'04" East, 10.00 feet to a point, then
 11. North 83°53'30" East, 129.77 feet to the point of beginning; containing an area of 149,087 square feet or 3.42257 acres of land.

Certified correct to the best of my professional knowledge, information and belief and this description was prepared by me and is in conformance with Title 9, Subtitle 13, Chapter 6, Section .12 of the Minimum Standards of Practice for Land Surveyors. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Barry E. Hoyle

Macris, Hendricks & Glascock, P.A.
Barry E. Hoyle, Professional Land Surveyor
Maryland Registration No. 21135
License Expires: 06-21-2016



AFTER RECORDATION PLEASE RETURN TO:

Macris, Hendricks, & Glascock, P.A.
9220 Wightman Rd., Suite 120
Montgomery Village, MD 20086
Attn: Barry Hoyle